

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-33 (canceled).

34 (withdrawn). A transgenic nonhuman animal comprising a reporter gene operably linked to the polynucleotide according to claim 1.

35 (withdrawn). A transgenic nonhuman animal comprising a reporter gene operably linked to the polynucleotide according to claim 4.

36 (withdrawn). A method for expressing a protein or an RNA of therapeutic interest in cardiac cells *in vivo*, comprising

- preparing a vector according to claim 22, and
- introducing said vector into cardiac cells *in vivo* so that said protein or RNA of therapeutic interest is expressed.

37 (withdrawn). A method for expressing a protein or an RNA of therapeutic interest in cardiac cells *in vivo*, comprising

- preparing a vector according to claim 23, and
- introducing said vector into cardiac cells *in vivo* so that said protein or RNA of therapeutic interest is expressed.

38 (canceled).

39 (canceled).

40 (currently amended). ~~A~~An isolated polynucleotide comprising SEQ ID NO: 1 or a sequence having at least 93% identity to SEQ ID NO: 1, wherein said polynucleotide comprises at least 92 nucleotides 3' to the transcription start position +1, and wherein said polynucleotide in the absence of inverted terminal repeat sequences from human adeno-associated virus specifically induces expression in cardiac cells *in vivo* of a gene which is operably linked to said polynucleotide.

41 (previously presented). An expression cassette comprising a sequence encoding a protein or an RNA of therapeutic interest operably linked to the polynucleotide according to claim 40.

42 (previously presented). The expression cassette according to claim 41, wherein the protein or RNA of therapeutic interest increases a rate of cardiac cell division, reduces or suppresses an immune response, induces angiogenesis, changes muscle contractility, reduces cardiac hypertrophy, reduces cardiac insufficiency, or reduces myocarditis.

43 (previously presented). The expression cassette according to claim 41, wherein the protein or RNA of therapeutic interest is a vascular endothelial growth factor, a fibroblast growth factor, an angiopoietin, or a cytokine.

44 (previously presented). The expression cassette according to claim 41, wherein the protein or RNA of therapeutic interest is an activating or an inhibiting transcription factor.

45 (previously presented). The expression cassette according to claim 41, wherein the protein of therapeutic interest is an immunosuppressive protein.

46 (previously presented). The expression cassette according to claim 45, wherein the immunosuppressive protein is interleukin-10, interleukin-2, or interleukin-8.

47 (previously presented). The expression cassette according to claim 41, wherein the RNA of therapeutic interest is an antisense RNA or a ribozyme.

48 (previously presented). The expression cassette according to claim 41, wherein the protein of therapeutic interest is nitric oxide synthetase, superoxide dismutase, or catalase.

49 (previously presented). A vector comprising the polynucleotide according to claim 40.

50 (previously presented). A vector comprising the expression cassette according to claim 41.

51 (previously presented). The vector according to claim 49, further comprising an origin of replication which is active in cardiac cells.

52 (previously presented). The vector according to claim 49, which is a plasmid or a cosmid.

53 (previously presented). The vector according to claim 49, which is or is derived from an adenovirus, a retrovirus, a herpesvirus, or an adeno-associated virus.

54 (previously presented). A composition comprising a therapeutically-effective amount of the polynucleotide according to claim 40 and a pharmaceutically-acceptable carrier.

55 (previously presented). A composition comprising a therapeutically-effective amount of the vector according to claim 49 and a pharmaceutically-acceptable carrier.